

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LAWRENCE MAXCY,

Civil No. 15-2210 (PJS/BRT)

Individually, and on behalf of those similarly situated,

Plaintiff,

v.

PAUL SCHNELL,

In his official capacity as Commissioner, Minnesota Department of Corrections;

DAVID A. PAULSON, M.D.,

In his official capacity as Medical Director, Minnesota Department of Corrections;

NANETTE LARSON,

In her official capacity as Health Services Director, Minnesota Department of Corrections,

Defendants.

**PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
PROPOSED CLASS ACTION SETTLEMENT**

Plaintiff and others filed this lawsuit, on behalf of himself and other similarly situated prisoners in the custody of the Minnesota Department of Corrections (“the DOC”), and brought allegations including that the DOC, under its Guidelines for Evaluation and Management of Chronic Hepatitis C (HCV) Infection, fails to provide necessary medical care to prisoners with chronic, viral hepatitis C (“HCV”), in violation of the Eighth Amendment of the United States Constitution and 42 U.S.C. § 1983. Defendants Paul Schnell, in his official capacity as Commissioner of the Minnesota Department of Corrections, David A. Paulson, in his official capacity as the Medical Director of the DOC, and Nanette Larson, in her official capacity as

Health Services Director of the DOC, (collectively, “Defendants”) have denied the allegations throughout the pendency of the case.

Following the Court’s certification of a class pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure, and its partial denial of Defendants’ motion for summary judgment (Dkt. No. 317) the Parties pursued adversarial, arms-length settlement discussions. These efforts have produced an executed Settlement Term Sheet and an executed Settlement Agreement (“Settlement Agreement” or “Settlement”). The proposed Settlement Agreement is attached to the Memorandum of Law filed in support of this motion as Exhibit 1. A proposed Notice and a summary letter to the class, summarizing the settlement terms and notifying class members of the availability of copies of the Settlement Agreement, of their right to submit objections to the settlement, and of the procedure for doing so, are attached to the Memorandum of Law filed in support of this motion as Exhibit 2. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, the Parties believe that the Settlement Agreement and its terms are fair, reasonable, and adequate, and that the Settlement Agreement should therefore be approved by the Court.

Accordingly, Lawrence Maxcy (“Class Representative”), hereby moves the Court, under Rule 23 of the Federal Rules of Civil Procedure, for entry of an Order: (i) preliminarily approving the proposed Settlement in the Action; (ii) approving the manner and form of notice of the Settlement to class members; and (iii) scheduling a date and time for the final approval hearing to consider final approval of the Settlement and related matters. This motion is based on the Settlement Agreement dated March 14, 2019, submitted herewith, the Parties’ agreed-upon proposed Order Preliminarily Approving Settlement and Providing for Notice and its exhibits attached hereto, the accompanying memorandum of law; and all other papers and proceedings herein.

This motion is unopposed by Defendants.

Respectfully submitted,

Dated: March 15, 2019

By: /s/ Andrew H. Mohring
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